

(1) for
photographs
aphs

is *sua sponte*
nt that only a
d be submitted
graphs in lieu
e PTO intends
quirement for
e photographs.
, to one set of
patent printing

se before any
as of the publi-
onte, waive 37
bmission of a
d white photo-
filing a petition

ale for Amend-

black and white
itions in lieu of
ept the photo-
th in 37 C.F.R.

ad white photo-
ured three sets
icial file record
ss. The second
the application
t. At that time,
al scanning to
the patent pub-
s would begin
ders. A header
drawing sheet
ctively applied
second set of
rademark Copy
set for creating
nt copies were
d the copies be
n the published
l in the official
is special han-
is disruptive
the overall time
processing of
w requires only
tion is allowed,
tically scanned
shing database.
tent publishing
nformation and
ation of *Official*
rooms, and for
original patent

now results in
ndling process
tlingly, the PTO
for design and
vings for design
l and third sets
needed.

ime consuming
lications with
s patents more
rd sets of black
applicants will

avoid the expense associated with the preparation and supplying of the two extra sets of black and white photographs.

It is noted that this change in procedure only applies to black and white photographs for utility and design applications and the current requirements for color drawings or photographs are not affected. Thus, three sets of color photographs continue to be necessary for design and utility applications in which a petition under 37 C.F.R. § 1.84(a)(2) has been granted. Furthermore, two sets of color photographs for plant patent applications continue to be required.

If there are any questions or comments about this change in practice, they should be forwarded to Karin Tyson, Senior Legal Advisor, by facsimile at (703) 308-6916, by telephone at (703) 305-9285, or by e-mail at karin.tyson@uspto.gov.

May 1, 1998

STEPHEN G. KUNIN
Deputy Assistant Commissioner for
Patent Policy and Projects

[1211 OG 34]

(20) Information in Oath/Declaration
Necessary to Identify the Specification
for an Application filed under 35 USC 111
in Accordance with 37 CFR 1.63

This notice supersedes the previous notice published at 1035 Off. Gaz. Pat. Office 3 on September 12, 1983, and is intended to make it easier for an applicant(s) to comply with the identification requirement of 37 CFR 1.63.

37 CFR 1.63 requires that an oath or declaration identify the specification to which it is directed. The declaration form suggested by the Office includes spaces for filling in the names of the inventors, title of invention, application number, filing date, foreign priority application information and United States priority application information. While this information should be provided, it is not essential that all of these spaces be filled in order to adequately identify the specification in compliance with 37 CFR 1.63(a)(2).

The following combinations of information supplied in an oath or declaration filed on the application filing date with a specification are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:

(1) name of inventor(s), and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration on filing;

(2) name of inventor(s), and attorney docket number which was on the specification as filed; or

(3) name of inventor(s), and title which was on the specification as filed.

Filing dates are now granted on applications filed without an oath or declaration in compliance with 37 CFR 1.63, the oath or declaration being filed later with a surcharge. The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:

(1) name of inventor(s), and application number (consisting of the series code and the serial number; e.g., 08/123,456);

(2) name of inventor(s), serial number and filing date;

(3) name of inventor(s) and attorney docket number which was on the specification as filed;

(4) name of inventor(s), title which was on the specification as filed and filing date;

(5) name of inventor(s), title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or

(6) name of inventor(s), title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the applica-

tion number (consisting of the series code and the serial number; e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration.

Any specification that is filed attached to an oath or declaration on a date later than the application filing date will not be compared with the specification submitted on filing. Absent any statement(s) to the contrary, the "attached" specification will be presumed to be a copy of the specification and any amendments thereto which were filed in the Office in order to obtain a filing date for the application.

Any variance from the above guidelines will only be considered upon the filing of a petition for waiver of the rules under 37 CFR 1.183 accompanied by a petition fee (37 CFR 1.17(h)).

Further, an oath or declaration attached to a cover letter referencing an incorrect application may not become associated with the correct application and, therefore, could result in the abandonment of the correct application.

Supplemental oaths or declarations in accordance with 37 CFR 1.67 will be required in applications in which the oaths or declarations are not in compliance with the other requirements of 37 CFR 1.63 but contain sufficient information to identify the specifications to which they apply as detailed above.

A copy, such as a photocopy or facsimile transmission, of an originally executed oath or declaration is acceptable and may be filed. In the event that a copy of the original is filed, the original should be retained as evidence of authenticity. If a question of authenticity arises, the Patent and Trademark Office may require submission of the original. See 37 CFR 1.4(d)(2).

See MPEP § 1896 for the identification requirements for a declaration filed in a U.S. national stage application filed under 35 USC 371.

These changes will appear in MPEP § 601.01 in the next revision of the Manual.

July 13, 1995

STEPHEN G. KUNIN
Deputy Assistant Commissioner
for Patent Policy and Projects

[1177 OG 60]

(21) Handling of Status Inquiries

This notice is intended to supplement the discussion set forth in the *Official Gazette* Notice published at 893 *Official Gazette* 810 entitled "Status Inquiries" (Dec. 21, 1971).

It has come to the attention of the Patent and Trademark Office (PTO) that its employees may have improperly released confidential information concerning pending applications. Specifically, issue date and patent number information assigned to pending applications may have been improperly released.

No information concerning pending or abandoned patent applications (except reissue applications and reexamination proceedings) may be given to the public by the PTO without the authorization of the applicant or the assignee or attorney or agent of record. 35 USC § 122 and 37 CFR § 1.14. Other exceptions are specified at 37 CFR § 1.14.

However, PTO employees will release information on the status of patent applications to the applicant or assignee or attorney or agent of record if the identity of the requestor can be adequately verified as set forth below.

Telephonic status inquiries should continue to be directed to the PTO clerical personnel. The PTO clerical personnel will obtain the caller's full name, the application serial number and the caller's telephone number. The PTO clerical personnel will ask the caller if there is an attorney or agent of record.

If there is an attorney or agent of record, the PTO clerical personnel will ask for his/her registration number. If the registration number is not known, the PTO clerical personnel will ask for the name of the attorney or agent of record. The PTO clerical personnel will inform the caller that an attorney or agent of record will be called after verification of his/her identity and that the requested status information concerning the application will be released to that attorney or agent.

If there is no attorney or agent of record, the PTO clerical personnel will ask the caller why he/she is entitled to informa-

tion concerning the application. If the caller is the applicant or an authorized assignee of record, the PTO clerical personnel will inform caller that his/her application must be verified before any release of the application can be made. If the caller indicates that he/she is an authorized representative of the assignee, the PTO clerical personnel will inform caller that the application will be released.

The PTO clerical personnel will then inform the caller claiming to be associated with the application of the Patent Application LEX (PALM) system or the application file.

If an attorney or agent is of record, the PTO clerical personnel will release the application by calling the telephone number obtained from PALM.

If the applicant or an authorized representative of record requests information, and the correspondence address of record of the PTO clerical personnel will release the application by calling the telephone number. If the caller's association with the application is not verified, no information concerning the application will be released. However, the caller should be informed that the application could not be released.

In handling an in-person status request, the PTO clerical personnel will ask the requestor to wait while the information is set forth above.

May 14, 1990

HA
Assistant Secretary

[1115 OG 17]

(22) Patent Assistance

In an effort to support the reengineering of the Patent and Trademark Office (PTO), the PTO has issued a Notice entitled "Reengineering the PTO" (6/11/96) in the *Official Gazette*. The PTO Patent Assistance Center will be housed in the Information Services Division (GISE) 3, Room 2C02. Questions and inquiries concerning pending applications should be directed to the Patent Assistance Center. The Patent Assistance Center is a highly qualified, experienced, and customer-oriented staff. Customers may contact the Patent Assistance Center by dialing (703) 308-HELP.

The Patent Assistance Center will provide telecommunications/PC integration services. These services will be used to gather data on customer questions. These questions will be entered into a national database which will be developed to Customer Feedback Cards will be requested feedback on their satisfaction with the services received.

Point of Contact for this Notice:

Name: Stuart S. Levy
Telephone Number: (703) 308-1295
Fax Number: (703) 305-3594

June 6, 1996

FT
Office

[1188 OG 1]